

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: COHEN-HAGUENAUER

Examiner :

Serial No. : Continuation of Serial No. 09/433,322

Group Art Unit:

Filed:

Docket No.: 8076-110 USC1 (cont)

Title:

RETROVIRAL VECTOR FOR THE TRANSFER AND EXPRESSION OF GENES FOR
THERAPEUTIC PURPOSES IN EUKARYOTIC CELLS

DECLARATION REGARDING DEPOSIT OF BIOLOGICAL MATERIAL

Assistant Commissioner for Patents
Washington D.C. 20231

Dear Sir:

1. I, Odile COHEN-HAGUENAUER, Inventor of the above-mentioned invention and responsible for the pFOCH29 plasmid, do say and declare:

2. The deposit of plasmid pFOCH29 has been made at the CNCM on June 30, 1993, under Assession No. 1-1325. This depository affords permanence of the deposit and ready availability thereto by the public if a patent is granted. CNCM is an abbreviation for Collection Nationale de Cultures de Microorganismes of the Institute Pasteur at 25 rue du Docteur Roux 75724 Paris Cedex 15 France (copy of deposit receipt in French attached).

0090597-10040

3. All restrictions on the availability to the public of the material deposited will be irrevocably removed upon the granting of the patent according to 37 C.F.R. § 1.808(a)(2).

4. The material has been deposited under conditions that assure access to the material will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122 as specified in 37 C.F.R. § 1.608(a)(1).

5. The deposited material will be maintained with all the care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganism, and in any case, for a period of at least thirty (30) years after the date of deposit or for the enforceable life of the patent, whichever period is longer, as specified in 37 C.F.R. § 1.506.

6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present patent application or any patent issuing thereon.

Sept 28th, 2001

Dato

Haguerauer

Odile COHEN-HAGUENAUER

VERIFICATION OF A TRANSLATION
(VÉRIFICATION D'UNE TRADUCTION)

I, the below named translator, hereby declare that:

My name and post office address are as stated below:

That I am knowledgeable in the English language and in the language in which the below identified US patent application was filed, and that I believe the English translation of the US patent application filed on June 30, 1994 is a true and complete translation of the above identified US patent application as filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

18 - VII 94

Full name of the translator (Nom et prénom du traducteur)
(dactylographiés ou imprimés)

JARVIS, DEREK

Signature of the translator (Signature du traducteur)

Derek Jarvis

Post Office Address (Adresse postale)

7, rue d'UPSM

67000 Strasbourg

10400T 2554660

MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought, the invention entitled: RETROVIRAL VECTOR FOR THE TRANSFER AND EXPRESSION OF
GENES FOR THERAPEUTIC PURPOSES IN EUKARYOTIC CELLS

The specification of which

a. is attached hereto June 30, 1994

b. ☒ was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor certificate having a filing date before that of the application on the basis of which priority is claimed:

a. no such applications have been filed.

b. ☒ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
<u>FRANCE</u>	<u>93 08015</u>	<u>30/06/1993</u>	

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Bartingale, Kari H.	Reg. No. 35,183	Hillson, Randall A.	Reg. No. 31,838	Schwappach, Karl G.	Reg. No. 35,786
Batzli, Brian H.	Reg. No. 32,960	Kluth, Daniel J.	Reg. No. 32,146	Schwegman, Michael L.	Reg. No. 25,816
Beck, Robert C.	Reg. No. 28,184	Kowalchuk, Alan W.	Reg. No. 31,535	Seager, Glenn M.	Reg. No. P-36,926
Bogucki, Raymond A.	Reg. No. 17,426	Kowalchuk, Katherine M.	Reg. No. P-36,848	Seibald, Gregory A.	Reg. No. 33,280
Brennan, Thomas F.	Reg. No. 35,075	Lasky, Michael B.	Reg. No. 29,555	Smith, Phillip H.	Reg. No. 20,476
Bruss, Steven C.	Reg. No. 34,130	Lundberg, Steven W.	Reg. No. 30,568	Smith, Stephanie J.	Reg. No. 34,437
Byrne, Linda M.	Reg. No. 32,404	Lynch, David W.	Reg. No. 36,204	Sorensen, Andrew D.	Reg. No. 33,606
Carlson, Alan G.	Reg. No. 25,959	Mau, Michael L.	Reg. No. 30,087	Stenstrom, Dennis G.	Reg. No. 28,910
Caspers, Philip P.	Reg. No. 33,227	McDonald, Daniel W.	Reg. No. 32,044	Strawbridge, Douglas A.	Reg. No. 28,376
Clifford, John A.	Reg. No. 30,247	McDonald, Wendy M.	Reg. No. 32,427	Strodthoff, Kristine M.	Reg. No. 34,259
Conrad, Timothy R.	Reg. No. 30,164	Michel, Michelle M.	Reg. No. 33,968	Sumner, John P.	Reg. No. 29,114
DiPietro, Mark J.	Reg. No. 28,707	Moy, R. Carl	Reg. No. 30,725	Sumners, John S.	Reg. No. 24,216
Edell, Robert T.	Reg. No. 20,187	Muecing, Ann M.	Reg. No. 33,977	Taylor, Gregory M.	Reg. No. 34,263
Freed, Robert C.	Reg. No. 32,569	Mundelius, Antony C.	Reg. No. 35,963	Tellekson, David K.	Reg. No. 32,314
Gafner, Peter J.	Reg. No. P-36,517	Nelson, Albin J.	Reg. No. 28,650	Underhill, Albert L.	Reg. No. 27,403
Gates, George H.	Reg. No. 33,500	Raasch, Kevin W.	Reg. No. 35,651	Vandenburgh, J. Derek	Reg. No. 32,179
Golla, Charles E.	Reg. No. 26,896	Reiland, Earl D.	Reg. No. 25,767	Vietzke, Lance L.	Reg. No. P-36,708
Gould, John D.	Reg. No. 18,223	Rothfus, Joel A.	Reg. No. 33,277	Welter, Paul A.	Reg. No. 20,890
Gresens, John J.	Reg. No. 33,112	Schmidt, Cecil C.	Reg. No. 20,566	Williams, Douglas J.	Reg. No. 27,054
Hamme, Curtis B.	Reg. No. 29,165	Schuman, Mark D.	Reg. No. 31,197	Woessner, Warren D.	Reg. No. 30,440
Hassing, Thomas A.	Reg. No. 36,159	Schumann, Michael D.	Reg. No. 30,422	Wood, Gregory B.	Reg. No. 28,133

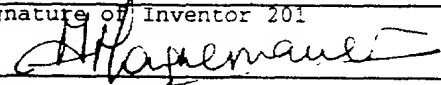
I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

3100 Norwest Center, Minneapolis, MN 55402-4131
Telephone No. (612)332-5300

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issue thereon.

201	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		COHEN-HAGUENAUER	Odile	
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		PARIS	FRANCE	FRANCE
	Post Office Address	Post Office Address	City	State & Zip Code/Country
		35 rue Cortambert	75116 PARIS	FRANCE
202	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	Post Office Address	Post Office Address	City	State & Zip Code/Country
203	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	Post Office Address	Post Office Address	City	State & Zip Code/Country

Signature of Inventor 201	Signature of Inventor 202	Signature of Inventor 203
		
Date	Date	Date
July 12th 1994		

For Additional Inventors:

Indicate here and attach sheet with same information, including date and signature.